

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Emily McGraw, Plaintiff, v. JPMorgan Chase Bank, N.A., Defendant.	Fed. Case No. 19-2635 Minn. Case No. (unknown, unfiled) DEFENDANT'S NOTICE OF REMOVAL
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To: Clerk of Court, United States District Court for the District of Minnesota.

Plaintiff Emily McGraw and her attorneys Andrew C. Walker and Bennett Hartz, Walker & Walker Law Offices, PLLC, 4356 Nicollet Avenue South, Minneapolis, MN 55409.

Defendant JPMorgan Chase Bank, N.A. ("Chase"), hereby removes this civil action, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, to the United States District Court for the District of Minnesota. This Notice of Removal is being filed in accordance with 28 U.S.C. § 1446 and Federal Rule of Civil Procedure 81(c).

Chase states the following grounds in support of removal:

1. Plaintiff Emily McGraw commenced this civil action against Chase in the Hennepin County District Court, Fourth Judicial District, State of Minnesota. A copy of the Summons (Sept. 11, 2019) and the Complaint (Sept. 11, 2019), being all the process, pleadings, and orders served in the state-court action,

accompanies this notice as Exhibit A. (As far as Chase knows, neither these papers nor any others have been filed with the state court in the state-court action.)

2. The Complaint was the initial pleading setting forth the purported claims for relief upon which the state-court action is based.

3. In the Complaint, Plaintiff claims Chase is liable for allegedly violating the Federal Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*

4. As such the claims asserted in the Complaint are federal questions that are removable.

PROCEDURAL REQUIREMENTS

5. Chase received the Summons and the Complaint by service on September 13, 2019.

6. This removal is timely under 28 U.S.C. § 1446(b)(1) because this Notice has been filed no more than thirty (30) days after notice of the Civil Action was received by Chase.

7. Chase is the sole defendant in the matter.

8. This Court has jurisdiction over the claims asserted in the Complaint pursuant to 28 U.S.C. §§ 1331, and 47 U.S.C. § 227(b)(3).

9. The state-court action is removable under 28 U.S.C. § 1441(a) & § 1446.

10. In compliance with 28 U.S.C. § 1446(d), Chase is contemporaneously filing a copy of this Notice of Removal with the Clerk of the Hennepin County District Court. Chase will serve Plaintiff with a copy of this Notice promptly upon its filing and will also serve upon Plaintiff its Notice of Filing of Notice of Removal in the Hennepin County District Court.

11. All fees required by law in connection with the Notice of Removal have been paid by Chase.

FEDERAL QUESTION JURISDICTION UNDER 28 U.S.C. § 1331

12. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because, as set forth in detail below, this Civil Action involves a federal question and this Court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

13. Plaintiff’s cause of action is for an alleged violation of the TCPA.

14. As the TCPA is a federal statute, federal courts have jurisdiction over TCPA claims, and thus, removal of TCPA action is appropriate. *See e.g. Marcus D. Mims v. Arrow Financial Services, LLC*, 565 U.S. 368 (2012).

15. Accordingly, this Court has jurisdiction over this Civil Action involving a federal question under the TCPA, and removal of this Civil Action to this Court is proper.

WHEREFORE, Chase respectfully prays that this Civil Action proceed in this Court as an action properly removed, and that no further proceedings be had in this case in the Hennepin County District Court.

Dated: October 2, 2019

Respectfully Submitted,

/s/Patricia E. Volpe

Patricia E. Volpe (#0392872)

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